

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SANTIAGO GOMEZ,

Plaintiff,

-against-

WESTCHESTER COUNTY; KEVIN M.
CHEVERKO; JOSEPH K. SPANO; ARAMARK
CORRECTIONAL SERVICES, LLC; FRANCIS
DELGROSSO; MIDDLETON; CAPTAIN
ROBERTS; MANUEL MENDOZA; CHARLES
BUTLER; COFFEY KOHLI; PENNY STEWART;
DARNELL FLAX; CRAIG BOISSY; DONNA
BLACKMAN; MATTHEW KITT; ASHTERMAN;
CASTRO; OFFICER MACDONALD;
KESEMETHIA HEWITT; LA FONDA
SPAULDING; LEANDRO DIAZ; and OFFICER
PARCHMENT,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 1/28/2022

18-cv-00244 (NSR)

ORDER

NELSON S. ROMÁN, United States District Judge:

Plaintiff Santiago Gomez (“Plaintiff”) commenced this action on January 1, 2018 alleging constitutional, federal, and state law violations against Defendants Aramark Correctional Services, LLC, (“Aramark”) and various members of the Aramark staff (together, the “Aramark Defendants”), Westchester County (“Westchester”), and various Westchester employees (together, the “Westchester Defendants”). (ECF No. 6.) On September 28, 2021, the Court issued an Order and Opinion granting the Aramark Defendants’ motion to dismiss and granting in part and denying in part the Westchester Defendants’ motion to dismiss. (ECF No. 102.) Plaintiff’s surviving claims include First Amendment retaliation claims against Defendants Roberts, MacDonald, and Delgrosso. (*Id.*) Plaintiff was granted leave to file a Second Amended Complaint as to any claims that were not dismissed with prejudice. (*Id.*) The Court instructed that if Plaintiff

failed to file a Second Amended Complaint, those claims dismissed without prejudice would be deemed dismissed with prejudice. (*Id.*)

On December 29, 2021, the Court received a letter from Defendants Aramark Correctional Services, LLC, Manuel Mendoza, Charles Butler, Coffey Kohli, Penny Stewart, Craig Boissy, Darnell Flax, and Donna Blackman requesting the Court deem Plaintiff's claims abandoned. (ECF No. 105.) By letter dated January 5, 2022, Plaintiff stated that he has not abandoned his claims, but would not be filing a Second Amended Complaint. (ECF No. 106.)

Therefore, the claims previously dismissed without prejudice are now dismissed with prejudice, and Defendants Westchester County, Kevin M. Cheverko, Joseph K. Spano, Aramark Correctional Services, LLC, Assist. Warden Middletown, Manuel Mendoza, Charles Butler, Coffey Kohli, Penny Stewart, Craig Boissy, Darnell Flax, Donna Blackman, Matthew Kitt, Ashterman, Correctional Officer Castro, Law Librarian Kesemethia Hewitt, Assistant Warden La Fonda Spaulding, Leandro Diaz, and Correctional Officer Parchment are terminated with prejudice.

The Clerk of Court is respectfully directed to mail a copy of this Order to Plaintiff at the address listed on ECF, and to file proof of service on the docket.

Dated: January 28, 2022

White Plains, New York

SO ORDERED:



NELSON S. ROMÁN

United States District Judge